

City of Waukesha Police Department

Registered Sex Offender Facts

The purpose of this document is to provide general information regarding Wisconsin law and the City of Waukesha Ordinance that regulate registered sex offenders once they are released from incarceration. Definitions of terms, notification of release from custody procedures and restrictions on where they can live or loiter are included.

The Waukesha Police Department recognizes that sex offenders have always lived in our City and will continue to do so in the future. We will hold sex offenders accountable to the laws of the State of Wisconsin and the Ordinances of the City of Waukesha, as we do all citizens; equally, fairly and without prejudice. We track, check and arrest, if necessary, any sex offenders in violation of the law resulting in a level of accountability few other jurisdictions in the State provide. Check the Federal Sex Offender website at <http://www.familywatchdog.us/> for further information.

Definitions:

Registered Sex Offender: A person who been convicted of a felony sexual offense as defined by law and required to register with the State and local police. Sex offenders required to register include all persons (adult and juvenile) adjudicated, convicted, committed, incarcerated or on supervision for an included offense since December 25, 1993.

Included Offenses: See attachment #1

Actively Supervised Sex Offenders: Offenders who have not completed their term of probation and/or parole. They are assigned to State Probation and Parole field agents.

Unsupervised Sex Offender: An offender who has been released from supervision after completing their term as ordered by the court. This would also include offenders who were found guilty of sexual related crimes prior to 12/25/93.

Special Bulletin Notification (SBN): A type of public notification reserved for high risk sex offenders. The public is notified in different manners depending on the level of SBN decided by the CORE team.

CORE Team: Representatives from various disciplines (law enforcement, prosecutors, Probation and Parole etc) who determine the level of sex offenders who are deemed as Special Bulletin Notification candidates by the Department of Corrections. This team is required for those jurisdictions having SBN candidates.

Sex Offender Registry Program (SORP): The Department of Corrections database that contains all of the information about the offenders who are required to provide information by law as registered sex offenders.

Sex Offender Accountability Program (SOAP): A special program administered by the Waukesha Police Department in cooperation with the Department of Corrections which allows our officers to physically verify the residences of sex offenders living in the City of

Waukesha. Only a few municipalities in the State run this additional program as it is not required by law. The SOAP adds another layer of accountability to sex offenders living in our City.

Child Safety Zone: City of Waukesha ordinance 11.41 designates *Child Safety Zones*. Individuals convicted of a sex crime against a child may not establish a permanent or temporary residence, within **750 feet** of a private or public school, park or playground where children regularly gather, recreational trail, licensed daycare or group home

Residential Based Facility: A community based residential facility (CBRF), which enables offenders to transition into a normal lifestyle and eventually be on their own or for some offenders, is more of a long term living arrangement. This program is run and monitored by the State Department of Corrections and is not regulated by the City.

Discretionary Registration: Under Wisconsin law, the court has discretion to order a person to register for a violation of any section under the following statutes **if** the court determines that the underlying conduct was sexually motivated, **and** the court finds that registration is in the interest of public safety:

Chapter 940	Crimes against Life and Bodily Security
942.08	Invasion of Privacy
Chapter 944	Crimes Against Sexual Morality
Chapter 948	Crimes Against Children
971.17	Not Guilty by Reason of Mental Disease or Defect
943.01 – 943.15	Certain Crimes Against Property
942.08	Invasion of Privacy (aka Peeping Tom)

Sex offenders released from incarceration must register with the local police department and the community notified in order to address the safety concerns of the public. The location of convicted sex offenders and the identification of those who may be a risk for committing further offenses is a concern to the community.

The Waukesha Police Department strives to ensure that, upon notification from the Wisconsin Department of Corrections of the release of a sex offender into the community, proper notification of the release be made to public and private organizations and agencies in the interest of public protection. The Waukesha Police Department participates in a multi-agency CORE team in determining which agencies/organizations should be notified of the offender's release. The intent of the CORE team is to balance the public's need to be informed with the offender's need to be successfully reintegrated into the community.

Wisconsin State Statutes 301.03(19), 301.03 (20) and 304.06 (2m) designate where sex offenders upon release may reside. **The Waukesha Police Department has no part in deciding where a RSO is placed.** Upon release to parole or extended supervision, each person who has been convicted of a sex offense requiring registration shall be placed in one of the following locations:

- *The county in which the person resided on the date of the sex offense*
- *The county in which the person was convicted of the offense*
- *A sex offender treatment facility (none in Waukesha)*

Per the Wisconsin Department of Corrections Administrative Directive 07-14, a sex offender who is not subject to a *Special Bulletin Notification* procedure may be placed in a county other than the county of conviction if a viable release plan exists in the county of residence with the prior approval of the agent in charge and supervisor in that county. An offender who is subject to a *Special Bulletin Notification* must be placed in the county of conviction or with approval from the Secretary of the Department of Corrections may be placed in the county of residence.

In June 1997 Wisconsin Act 440 was passed which allows law enforcement agencies to share information with the community regarding convicted sex offenders who have been released from prison. Sex offenders have always lived and worked in the community once released from custody. This law now allows law enforcement agencies to share certain information about sex offenders with the community. These offenders are classified at one of three levels, depending on their dangerousness and their likelihood that they may reoffend. Law enforcement agencies then notify the community depending on the level of risk assigned to an offender.

Most offenders are released to the jurisdiction that originally gained the conviction. Sometimes offenders are released to another area because they may have family support there, there is additional treatment to complete at a program located in the other jurisdiction, or they have found a job in the area that will lead to a productive lifestyle. For an offender on supervision, decisions about where the offender will live are made on a case by case basis and reflect an attempt to balance many competing needs. Sex offenders required to register, including all persons (adult and juvenile) adjudicated, convicted, committed, incarcerated or on supervision for an included offense since December 25, 1993.

The release of relevant offender information about sexual offenders to law enforcement, public/private entities and the general public furthers the interest of public safety and enhances crime detection and prevention. The central principles of Wisconsin's Sex Offender Registration and Community Notification laws include:

- Flexibility
- Balance
- Sensitivity to Victims
- Enhanced Public Protection

Levels of Notification:

Community Notifications are made after our Department receives information from the Department of Corrections which determines that the offender qualifies for a Level II or III SBN. The following describe the level of risk for each level.

Level I: Limited to Law Enforcement, this level of notification includes those offenders that are determined to present **minimal** to no high **risk** factors or the release of this information to the community may be harmful to the victim(s) of the offense.

Level II: Targeted notification. This level of notification includes those offenders that present a moderate number of high risk factors and/or an equal number of mitigating factors.

Level III: Expanded notification. This level of notification includes those offenders that present a significant number of high risk factors.

The CORE Team:

The purpose of the CORE team is to review the case information provided by the Department of Corrections and to discuss and make recommendations/decisions related to the level, scope and method of Community Notification for a specific offender. Members of the Team include representatives from:

- Waukesha Police Department
- Waukesha County Sheriff
- District Attorney's Office
- Probation and Parole
- Victim Witness Program

Notifications:

The Community Notifications provide information regarding the sex offender for the selected target group. The following information is included in the notices:

- Offender's Name
- Date of Birth
- Physical Description (including scars/tattoos)
- Recent Photograph
- Special Rules of Supervision
- Address
- Summary of Criminal Sexual Offense History

Notification Process:

The Community Notifications are handled by the Department Crime Prevention Bureau which is responsible for making the notifications and keeping records of all registered sex offenders. The following are the various means which the notices get distributed:

- U.S. Mail
- Leaflet Drop in Neighborhood
- Reverse Phone System Notification
- Media Notification
- Police Roll Call
- Police Dept. Front Desk

Sex Offender Accountability Program (SOAP):

It is the policy of the Waukesha Police Department to work cooperatively with the Wisconsin Department of Corrections and Sex Offender Registry Program (SORP) in the

verification of information provided by the offenders who reside within the City of Waukesha. On a semi-annual basis, the SOAP coordinator for the Department establishes an internal list of registered sex offenders whose address is verified.

Sex Offender Ordinance, City of Waukesha (Child Safety Zones):

Starting in 2009, the Waukesha Police Department began to enforce ordinance 11.41, which states that individuals convicted of a sex crime against a child may not establish a permanent or temporary residence, within **750 feet** of a private or public school, park or playground where children regularly gather, recreational trail, licensed daycare as defined in section 48.65 Wis. Stats, or group home as defined in Sec 48.02(7). Offenders who have not committed a crime against children, but are subject to a Special Bulletin Notification are also restricted by this ordinance. Those offenders establishing residence within a safety zone prior to December 12th, 2007 are grandfathered out of this ordinance.

All registered sex offenders are given a copy of the City's local ordinance 11.41, which pertains to the *Child Safety Zone* requirements. Offenders who are not compliant with the City ordinance may be cited for the offense. Since this ordinance went into effect multiple offenders have been found to be in violation. In 2009, six offenders were found in violation of the ordinance. Each was given 30 days to move out of the safety zone or receive a citation, unless grandfathered. Three offenders received citations in 2009 and the rest moved out of Child Safety Zones.

In 2010, four offenders were found to be in violation of the safety zone restriction. All of these offenders are within their 30 day grace period at this time and will be immediately cited after 30 days if they fail to move. Persons violating this ordinance can be cited for each day they are in violation.

Sex Offender Density:

The City of Waukesha has 155 registered sex offenders living in it's boundaries as of 04/22/10. 55 of them are actively supervised. Some of these offenders currently reside inside the Child Safety Zone as they were grandfathered in when the ordinance was enacted. There are 19,536 RSO living in Wisconsin.

Comparable Cities to Waukesha:

City	2009 Population	**Registered Sex Offenders (RSO)	RSO on Active Supervision	Ratio of Active RSO to Pop.
<i>Appleton</i>	70,305	332	48	1,464
<i>Waukesha</i>	68,008	155	55	1,236
<i>Eau Claire</i>	65,426	187	45	1,453
<i>Oshkosh</i>	63,679	170	67	950
<i>Janesville</i>	62,516	163	64	976
<i>West Allis</i>	59,416	Unknown	14	4,244
*LaCrosse	50,416	187	74	687
<i>Wauwatosa</i>	45,004	Unknown	4	11,251

* Denotes the highest density of active RSO

** Per the Federal Sex Offender website: <http://www.familywatchdog.us/>

OFFENSES REQUIRING REGISTRATION:

940.225(1)	First Degree Sexual Assault**
940.225(2)	Second Degree Sexual Assault**
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.30	False Imprisonment-victim was minor and not the offender's child
940.31	Kidnapping-victim was minor and not the offender's child
944.01	Rape (old statute)
944.06	Incest
944.10	Sexual Intercourse with a Child (old statute)
944.11	Indecent Behavior with a Child (old statute)
944.12	Enticing Child for Immoral Purposes (old statute)
948.02(1)	First Degree Sexual Assault of a Child**
948.02(2)	Second Degree Sexual Assault of a Child**
948.025	Repeated Acts of Sexual Assault of a Child**
948.05	Sexual Exploitation of a Child
948.055	Causing a Child to View or Listen to Sexual Activity
948.06	Incest with a Child
948.07	Child Enticement
948.075	Use of a Computer to Facilitate a Child Sex Crime
948.08	Soliciting a Child for Prostitution
948.095	Sexual Assault of a Student by School Instructional Staff
948.11(2)(a) or (am)	Exposing Child to Harmful Material-felony sections
948.12	Possession of Child Pornography
948.13	Convicted Child Sex Offender Working with Children
948.30	Abduction of Another's Child
971.17	Not Guilty by Reason of Mental Disease-of an included offense
975.06	Sex Crimes Law Commitment
980.01	Sexually Violent Person Commitment**

** Indicates Mandatory Life Registration